

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHAEL A. HUSTON,

v.  
Plaintiff,

ORDER

JOSEPH STARKEY, WISCONSIN DOC  
and ANN CARTMAN,

11-cv-169-slc

Defendants.

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In an order entered in this case on March 10, 2011, the court told plaintiff Michael Huston, a former inmate at St. Croix County Jail, that before his request to proceed *in forma pauperis* could be considered he would have to submit a trust fund account statement for the period beginning approximately September 2, 2010 and ending approximately January 4, 2011 along with an affidavit of indigency so the court could assess an initial partial payment of the \$350 fee for filing this case. In response to the order, plaintiff submitted an affidavit of indigency along with a partial trust fund account statement. From the statement plaintiff has submitted, I have calculated his initial partial payment to be \$2.88. Once plaintiff's payment has been received, his complaint will be taken under advisement for screening to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made.

ORDER

IT IS ORDERED that plaintiff is assessed \$2.88 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$2.88 on or before April 11, 2011. If, by April 11, 2011, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 21st day of March, 2011.

BY THE COURT:

  
PETER OPPENEER  
Magistrate Judge